

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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November 2, 2022

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

Dear Director Wray:

We are investigating allegations of politicization and bias at the Federal Bureau of Investigation. As a part of this oversight, Committee Republicans have sent you letters requesting documents and information on several matters,¹ including but not limited to whistleblower disclosures alleging the FBI's improper use of law-enforcement resources for political purposes and the FBI's "purging" of employees with disfavored viewpoints. To date, the FBI has not sufficiently responded to any of our specific requests for documents or information. Our various requests to you, accordingly, remain outstanding.

The FBI is not immune from transparency or above accountability for its actions. Committee Republicans intend to continue to examine the politicization and bias at the FBI, including into the 118th Congress if necessary. We reiterate our requests, which are itemized in the attached appendix and incorporated herein, and ask that you, as the custodian of all FBI records, produce the entirety of the requested material as soon as possible but no later than November 16, 2022.

Furthermore, this letter serves as a formal request to preserve all existing and future records and materials in your possession relating to the topics addressed in this letter. You should

¹ Letter from Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Christopher A. Wray, Dir. Fed. Bureau of Investigation (Mar. 9, 2022); Letter from Rep. Jim Jordan, *et al.*, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Mar. 21, 2022). Letter from Rep. Jim Jordan, *et al.*, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (May 24, 2022); Letter from Rep. Jim Jordan, *et al.*, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (June 1, 2022); Letter from Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Christopher A. Wray, Dir. Fed. Bureau of Investigation (July 27, 2022); Letter from Rep. Jim Jordan, *et al.*, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Aug. 15, 2022); Letter from Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Christopher A. Wray, Dir. Fed. Bureau of Investigation (Sept. 14, 2022); Letter from Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Christopher A. Wray, Dir. Fed. Bureau of Investigation (Sept. 19, 2022).

The Honorable Christopher A. Wray

November 2, 2022

Page 2

construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized with a large, looping "J" and a cursive "Jordan".

Jim Jordan
Ranking Member

cc: The Honorable Jerrold L. Nadler
Chairman

Enclosure

Appendix: Outstanding Oversight Requests

March 9, 2022:

1. A staff briefing about the status and extent of the FBI's pipe bomb investigation.

March 21, 2022:

1. An unredacted copy of the FBI Inspection Division's audit titled "2019 Domestic Investigations and Operations Guide Audit" dated January 10, 2020;
2. All documents and communications referring or relating to the FBI Inspection Division's 2019 Domestic Investigations and Operations Guide Audit dated January 10, 2020;
3. A description of the FBI's predicate to open sensitive investigative matters of politicians, candidates, religious groups, and others, as documented in the FBI Inspection Division's 2019 Domestic Investigations and Operations Guide Audit dated January 10, 2020;
4. An explanation of whether the FBI has resolved compliance issues related to sensitive investigative matters identified in the secret audit; and
5. Unredacted copies of all internal reviews conducted by the FBI's Inspection Division between November 1, 2019, and the present.

May 24, 2022:

1. A full accounting of the approximately 3,394,053 U.S. person queries conducted by the FBI in calendar year (CY) 2021, including:
 - a. The total number of unique query terms that are a U.S. citizen, an alien lawfully admitted for permanent residence, an unincorporated association, or a corporation which is incorporated in the United States. If the FBI does not have the capability to identify the number of unique query terms, provide an explanation as to why;
 - b. The Section 702-derived contents reviewed in each query, if any; and
 - c. The number of preliminary or full investigations into any U.S. citizens the FBI has initiated as a result of information obtained through any of these U.S. person queries, and the nature of the predication for each such investigation.
2. An explanation of the facts and circumstances of the approximately 1.9 million U.S. person queries that are apparently the result of an FBI investigation into alleged Russian hackers who sought to compromise U.S. critical infrastructure, including:

- a. The rationale for why these queries were found to be compliant with the FBI's Section 702 querying procedures;
 - b. The total number of U.S. citizens the FBI identified as victims of these compromises(s) pursuant to these queries;
 - c. The total number of U.S. victims the FBI notified about the compromises(s) pursuant to the Crime Victims' Rights and Restitution Act, 34 U.S.C. § 20141, or the Crime Victims' Rights Act, 18 U.S.C. § 3771; and
 - d. A detailed statement about the FBI's investigation, including the status of the investigation and any information uncovered about the identity of the Russian actors and their involvement with or connection to the Russian government, if any.
3. Provide the total number of FBI U.S. person queries of Section 702-derived information, by year, for CY 2015 through CY 2019.
4. An explanation for why the FBI failed to comply with the statutory requirement to obtain an order from the Foreign Intelligence Surveillance Court before accessing the contents of Section 702-acquired information on at least four instances in 2021, including:
 - a. The basis for each query;
 - b. A description of the contents accessed, and a statement about whether the query was conducted in order to retrieve such contents; and
 - c. The date on which the FBI discovered each violation and the date on which the FISC was alerted to each violation.
5. Provide a detailed accounting of every instance since December 2019 in which the FBI has queried, accessed, otherwise used information obtained pursuant to Section 702 for evidence of a crime unrelated to national security;
6. Identify the frequency of batch queries of FISA-acquired data for 99 or fewer queries, and explain why users must only obtain attorney approval before conducting a batch search of 100 or more queries;
7. Explain whether the FBI has located all of the missing Woods Files identified in the Department of Justice's Office of Inspector General September 2021 report, and provide the reason(s) why the FBI cannot locate all missing Woods Files;
8. Quantify the number of FBI employees who have access to Section 702 FISA-acquired data; and

9. Produce all guidance documents and training materials currently issued to FBI personnel with access to FISA-acquired data.

June 1, 2022:

1. All documents and communications referring or relating to the establishment, maintenance, and accreditation of the Secure Work Environment at Perkins Coie's Washington, D.C. office location, for the period of January 1, 2016, to December 1, 2021;
2. All documents and communications between or among the FBI for the period of January 1, 2016, to December 1, 2021, referring or relating to Michael Sussmann;
3. An explanation as to why the FBI approved a Secure Work Environment at Perkins Coie's Washington, D.C. office location;
4. An explanation as to the FBI's relationship with Michael Sussmann, for the period of January 1, 2016, to December 1, 2021, including:
 - a. When did the FBI provide Michael Sussmann an FBI badge with special access to its headquarters;
 - b. Why did the FBI provide Michael Sussmann an FBI badge to access its headquarters;
 - c. A list of all FBI employees who met with Michael Sussmann, for the period January 1, 2016, to December 1, 2021, at FBI headquarters, including dates and times;
 - d. Whether the FBI provided Michael Sussmann access to any of its Sensitive Compartmented Information Facilities to review any classified information and sensitive law-enforcement information; and
5. Since the September 2021 federal indictment of Michael Sussmann, and his subsequent resignation from Perkins Coie, whether the FBI continues its arrangement of this Secure Work Environment at Perkins Coie's Washington, D.C. office location.

July 27, 2022:

1. All documents and communications referring or relating to eGuardians, preliminary investigations, and full investigations classified as domestic violent extremism, including by type of case, for the period of January 1, 2020, to the present;
2. All documents and communications between or among employees of the Federal Bureau of Investigation, the Department of Justice, and the Executive Office of the President

referring or relating to classifying or reclassifying domestic violent extremism cases, for the period of January 1, 2020, to the present;

3. The total number of preliminary investigations and full investigations of domestic violent extremism, including by type of case, for the period of January 1, 2020, to the present; and
4. The total number of Confidential Human Sources that contributed to any reports of domestic violent extremism cases, for the period of January 1, 2020, to the present.

August 15, 2022:

1. All documents and communications referring or relating to the execution of a search warrant on President Trump's residence;
2. All documents and communications referring or relating to the decision to seek a search warrant for President Trump's residence;
3. All documents and communications referring or relating to the use of confidential human source(s) in connection with the search of President Trump's residence;
4. All documents and communications between or among the Department of Justice, Federal Bureau of Investigation, or the Executive Office of the President about a search of President Trump's residence;
5. All documents and communications between or among the Department of Justice, Federal Bureau of Investigation, or the United States Secret Service about a search of President Trump's residence; and
6. All documents and communications between or among the Department of Justice, the Federal Bureau of Investigation, or the National Archives and Records Administration about a potential search of President Trump's residence.

September 14, 2022:

1. All documents and communications referring or relating to the FBI's Domestic Terrorism Symbols Guide on Militia Violent Extremism, for the period of January 1, 2020, to the present; and
2. A full and complete explanation as to why the FBI's Domestic Terrorism Strategic Unit did not include symbols, images, phrases, events, and individuals about left-wing violent extremists' group in the FBI's Domestic Terrorism Symbols Guide.

September 19, 2022:

1. All documents and communications referring or relating to the Washington Field Office's policies and procedures for opening investigations into potential subjects of the events occurring on January 6, 2021;
2. All documents and communications referring or relating to eGuardians, preliminary investigations, and full investigations regarding January 6 investigations for which the FBI's WFO is initiating, conducting, approving investigative work even if the WFO is not listed in the casefile as the responsible field office;
3. All documents and communications sent or received by WFO employees instructing agents in other FBI Field Offices to open full investigations into potential subjects of January 6 investigations;
4. A complete accounting of all DVE cases opened since January 6, 2021, in which the WFO has identified subjects or directed other field offices to execute search or arrest warrants, to include the following information:
 - a. The case identifier;
 - b. The responsible field office;
 - c. The date opened; and
 - d. The current disposition of the matter;
5. The number of arrest and search warrants sworn out by agents from the WFO, but executed in the geographic area of another FBI field office; and
6. The number of all FBI agents involved in January 6 investigations, identified by FBI field office.